

CHARTER TOWNSHIP OF MONITOR
REGULAR TOWNSHIP BOARD MEETING
JULY 11, 2011

The Supervisor called the meeting to order at 7:00 p.m.

Members present: Brandt, Kowalski, Pike, Arnold, Kochany, Malkin (7:30 p.m.), Miller
Members absent: None
Also present: R. Austin, Township Attorney

The Pledge of Allegiance was recited by all present.

Public Input opened at 7:01 p.m. No public present wished to speak and public input was closed.

Motion by Miller supported by Kowalski to adopt the agenda as presented, with the modification to delay discussion concerning the Sixth Amendment to the WS Regional Sewage Disposal System Contract until Malkin is present.

Motion carried.

Motion by Pike supported by Miller to approve the minutes of the June 27, 2011 regular meeting as presented.

Motion carried.

Motion by Kowalski supported by Kochany to pay the bills in the amount of \$60,013.50 from General Fund.

Roll call vote:

Yes: Brandt, Kowalski, Pike, Arnold, Kochany, Miller

No: None

Absent: Malkin

Motion carried.

Cost Recovery Appeal ó Art Van Furniture

Motion by Miller supported by Kowalski to deny the appeal of cost recovery charges submitted by Art Van Furniture for fire department response to the incident on February 15, 2011.

Roll call vote:

Yes: Brandt, Kowalski, Pike, Kochany, Miller

No: Arnold

Absent: Malkin

Motion carried.

Cost Recovery Appeal ó C. Huey

Motion by Pike supported by Kochany to deny the appeal of cost recovery charges submitted by C. Huey for fire department response to the incident on May 27, 2011.

Roll call vote:

Yes: Brandt, Kowalski, Pike, Kochany,

No: Arnold, Miller

Absent: Malkin
Motion carried.

L. Clever Burnham & Flower ó Township Insurance

Larry Clever from Burnham & Flower presented the insurance cost the townships property, vehicle, and liability coverage for the new policy year beginning August 1, 2011.

Hall Requests ó Bay City Lions

Motion by Malkin supported by Arnold to grant the Lions Club of Bay City request to waive the hall rental fee for use of the township hall on December 7, 2011, March 7, 2012 and May 2, 2012; signed contract, damage deposit, clean-up fee, and security fee (if applicable) required for each rental date.

Roll call vote:

Yes: Brandt, Kowalski, Pike, Arnold, Kochany, Malkin, Miller

No: None

Absent: None

Motion carried.

Adoption of 6th Amendment to WS Regional Sewage System Contract

Motion by Malkin supported by Pike to approve the Sixth Amendment to the Bay County West Side Regional Sewage Disposal System Contract with the following language inserted modifying paragraph 2 as follows:

2. The original bonds issued pursuant to terms of the 1978 Contract were paid in full in May 2008. When the original bonds were paid in full, a Capital Improvement Plan fund was then established to provide for future improvements to the Regional Sewerage System. Therefore, in addition to and to supplement language inserted by paragraph 2 of page 3 of the Fourth Amendment to the Bay County West Side Regional Sewage Disposal System Contract, the following Capital Improvement Plan fund language is inserted:

The Local Units have agreed to annually pay into and fund a Capital Improvement Plan Fund (hereafter "CIP Fund"). The CIP Fund commenced in 2009 and was budgeted at \$1,000,000 with total payments of \$1,005,747 into a separately maintained fund. The CIP Fund allocation for 2010 was budgeted to be the amount of \$1,000,000. The CIP Fund is budgeted for a calendar year based upon a rate which is allocated and charged to each Local Unit on the basis of connected domestic and commercial Residential Equivalent Units (REU) as shown on the billing register for each Local Unit for the preceding four (4) quarters of actual usage. The Payment into the CIP Fund is paid at or about the end of each quarter (March, June, September and December) but is based upon the REU flow per Local Unit for the most recent calendar quarter. The Local Units agree that the actual payment into the CIP Fund for a calendar year may be more or less than the budgeted amount because each quarterly payment is based upon actual flow of each Local Unit that quarter ***including each Local Units Infiltration/Inflow ("I&I")***. Unless otherwise agreed by three-fourths vote of the Local Units, the CIP Fund will continue to be budgeted at the level of \$1,000,000 annually but adjusted annually based upon the preceding 12 month percentage change in the Engineering News Record Construction Cost Index. The base (denominator) will be the October, 2009 index (which is 8596.31)

and the numerator will be the next succeeding October index. (For example, the 2012 budget amount will be the October, 2011 Index divided by the October, 2009 Index times \$1,000,000; and the 2013 budget amount will be the 2012 Index divided by the October, 2009 Index times \$1,000,000 etc.) *Payment into the CIP Fund will be funded in this fashion for a twenty (20) year period of time, beginning in 2011 and concluding in 2031 and may be renewed by the Local Units for an additional twenty (20) year period at that time.*

Roll call vote:

Yes: Brandt, Pike, Arnold, Kochany, Malkin, Miller

No: Kowalski

Absent: None

Motion carried.

Motion by Malkin supported by Miller to direct the Supervisor to submit the board motion adopting the Sixth Amendment to the WSRSDSC and the revised wording to paragraph 2 to DWS and the other Local Units.

Motion carried.

R-2011-008 Resolution Approving Digital Imaging IFT Application & IFT Agreement

Motion by Kowalski supported by Malkin to adopt Resolution R-2011-008, a resolution approving the IFT Application submitted by Digital Imaging Center and IFT Agreement.

RESOLUTION APPROVING THE APPLICATION OF DIGITAL IMAGING CENTER FOR AN INDUSTRIAL FACILITIES EXEMPTION CERTIFICATE

WHEREAS, pursuant to 1974 PA 198, that being MCLA § 207.551 et seq., after a duly noticed public hearing, this Township Board, by Resolution previously established an Industrial Development District encompassing property now owned by Digital Imaging Center; and

WHEREAS, Digital Imaging Center, thereafter on or about June 22, 2011, submitted an Application for Industrial Facilities Exemption Certificate with the Monitor Township Clerk, who, upon receipt of said application, sent written notices to the local assessor and to the legislative bodies of each unit levying ad valorem taxes in Monitor Township, affording them an opportunity for a hearing at which representatives of Digital Imaging Center would be present; and

WHEREAS, at a regular meeting of the Township Board held June 27, 2011, a Resolution Setting a Time to Consider the Application filed by Digital Imaging Center, which Resolution set July 11, 2011, as the date for consideration of said application; and

WHEREAS, pursuant to the Resolution approved by the Township Board on June 27, 2011, representatives of the applicant, Digital Imaging Center, the local assessor and representatives of the affected taxing units were afforded an opportunity to be heard.

NOW THEREFORE, BE IT RESOLVED:

1. That this Township Board finds:
 - a. That the application relates to acquisition of equipment and is situated in the Industrial Development District established in Monitor Township by the Monitor Township Board on the 27th day of July, 1981, by Resolution of the Township Board.
 - b. That the acquisition of equipment is calculated to and will, at the time of issuance of the certificate, have the reasonable likelihood to create employment or retain employment in the Township of Monitor.
 - c. That acquisition of equipment will not have the effect of transferring employment from elsewhere in Michigan to the Township of Monitor.
 - d. That the application applies to personal property.
 - e. That the aggregate SEV of personal and real property, exempt from ad valorem taxes within the Township of Monitor, after granting this certificate, will exceed five percent (5%) of an amount equal to the sum of SEV of the Township plus SEV of personal and real property thus exempted. However, the Township Board specifically finds that granting of the exemption applied for will not substantially impede the operation of, or, impair the financial soundness of any affected local government or other taxing authority.
2. That the application of Digital Imaging Center for an Industrial Facilities Exemption Certificate with regard to the acquisition of equipment described in its application and situated in the Industrial Development District established previously by the Township Board be and hereby is approved for a period of twelve (12) years.
3. That the Township Board hereby approves the Industrial Facilities Exemption Certificate Agreement for Digital Imaging Center
4. That the Township Board authorizes the Township Supervisor and Clerk to sign the certificate agreement for and on behalf of the Charter Township of Monitor.

Roll call vote:

Yes: Brandt, Kowalski, Pike, Arnold, Kochany, Malkin, Miller

No: None

Absent: None

Motion carried.

R-2011-009 Resolution to Amend Water Rate Fee Schedule

Motion by Miller supported by Kowalski to adopt Resolution R-2011-009, a resolution adopting the water fee/rate schedule effective July 1, 2011.

**RESOLUTION
ADOPTING WATER FEE/RATE SCHEDULE**

WHEREAS, The City of Bay City has notified the Bay County Department of Water and Sewer that the wholesale cost of water will increase \$.08/CCF (from \$2.30/CCF to \$2.38/CCF) effective 07/01/2011.

WHEREAS, the Bay County Department of Water and Sewer has reported that the water rate billed to customers no longer meets the actual expenses incurred, and

WHEREAS, in 2010 the township, at the recommendation of the Bay County Department of Water and Sewer, adopted Resolution R-2010-012, which raised the customer retail rate an additional \$.06/ccf over the City of Bay City water cost increase to fund water options studies by the Saginaw Midland Municipal Water Supply Corporation and Bay City. As these studies were one time costs which will not be incurred in the upcoming 2011/2012 rate year, \$.06/ccf of this year's wholesale water rate increase is effectively included in our current customer rate.

WHEREAS, although the Bay County Department of Water and Sewer, does not believe it necessary to adjust the customer rate the remaining \$.02/ccf, and recommends the reduction to the rate revenue be supplemented by the township's fund balance, the Monitor Township Board has determined the local unit water rate increase should be passed through to their retail customers effective with the third billing quarter of 2011.

NOW THEREFORE BE IT RESOLVED the Monitor Township Board of Trustees of Bay County Michigan, hereby approves an increase for the retail cost of water from the current rate of \$3.32 per ccf to a new rate of \$3.34 per ccf effective the billing cycle commencing July 1, 2011.

Roll call vote:

Yes: Brandt, Kowalski, Pike, Arnold, Kochany, Malkin, Miller

No: None

Absent: None

Motion carried.

Policy for Design Review for Storm Water Discharge and Preservation of Natural Water Resources

Motion by Kochany supported by Arnold to adopt the Policy for Design Review for Storm Water Discharge and Preservation of Natural Water Resources.

**POLICY FOR DESIGN REVIEW FOR STORM WATER DISCHARGE
AND PRESERVATION OF NATURAL WATER RESOURCES**

A Policy to approve the regulation and control of storm water and pollution caused directly or indirectly by storm water runoff from all zoning districts within the Charter Township of Monitor; to protect sensitive areas in the community; and to encourage construction standards which will implement the long range goals and objectives adopted by the Bay County Storm Water Authority which affects both storm water and natural water resources but encourages flexibility in design concepts.

**Section 1.
Short Name.**

This Policy is hereby adopted and shall be known as the Charter Township of Monitor Policy for Design Review for Storm Water Discharge and Preservation of Natural Water Resources.

**Section 2.
Definitions.**

"BASWA" is the Bay Area Storm Water Authority of which the Charter Township of Monitor is a member, with the lead governmental agency being the Bay County Drain Commissioner.

"BMP" or "Best Management Practice" means a practice or combination of practice and design criteria that comply with the Michigan Department of Environmental Quality Guidebook for Michigan Watersheds and Low Impact Development Manual for Michigan or equivalent practices and criteria that minimize storm water runoff and prevent the discharge of pollutants into storm water.

"LEED" is a low impact design concept called Leadership in Energy and Environmental Design. LEED is an internationally recognized green building certification system, providing third-party verification primarily through the Washington, D.C. based U.S. Green Building Council (USGBC) which is a 501 c3 non-profit organization committed to a prosperous and sustainable future through cost-efficient and energy-saving green buildings using the concept of LEED. Leed is aimed at improving performance across all the areas involved in construction of buildings and infrastructure, including energy savings, water efficiency, CO2 emissions reduction, improved indoor environmental quality, and stewardship of resources and sensitivity to their impacts.

"LID" means Low Impact Development which incorporates storm water management by the use of the basic principle that is modeled after nature: manage rainfall where it lands. LID uses design methods to control storm water by mimicking a site's presettlement hydrology by using design techniques that infiltrate, filter, store, evaporate, and detain runoff close to its source. Storm water management historically focused on managing the flood effects from larger storms. Exclusive reliance on peak rate control prevents flooding, but doesn't

protect streams and water quality. Thorough storm water management should target infrequent large storms, as well as the much more frequent, smaller storms. With the change in land surface generated by land development, not only does the peak rate of runoff increase, but the *total volume* of runoff also often dramatically increases. LID focuses on both peak rates and total volumes of runoff. LID application techniques are designed to hold constant peak rates of runoff for larger storms and prevent runoff volume increases for the much more frequent, smaller storms. Thus, the natural flow pattern is kept in better balance, avoiding many of the adverse impacts associated with storm water runoff.

Section 3.
Purpose.

It is the purpose of this policy to establish minimum storm water management requirements and controls to accomplish, among others, the following objectives:

- A. To minimize increased storm water runoff rates and volumes from identified land development;
- B. To minimize nonpoint source pollution;
- C. To minimize the deterioration of existing watercourses, culverts and bridges, and other structures;
- D. To encourage water recharge into the ground where geologically favorable conditions exist;
- E. To maintain the ecological integrity of stream channels;
- F. To minimize the impact of development upon streambank and streambed stability;
- G. To control non-storm water discharges to storm water conveyances and reduce pollutants in storm water discharges;
- H. To preserve and protect water supply facilities and water resources by means of controlling increased flood discharges, stream erosion, and runoff pollution;
- I. To reduce the adverse impact of changing land use on water bodies and, to that end, this policy establishes minimum standards to protect water bodies from degradation resulting from changing land use where there are insufficient storm water management controls;
- J. To ensure that storm drain drainage or storm water BMPs are adequate to address storm water management needs within a proposed development, and for protecting downstream landowners from flooding and degradation of water quality. The procedures,

standards, and recommendations set forth in this policy and the State of Low Impact Development Manual for Michigan are designed for these purposes; and

- K. To ensure that all storm water facilities necessary for a proposed development will have an appropriate maintenance plan for overseeing the performance of maintenance by a private entity, such as a property owners' association.

**Section 4.
Procedure.**

- A. All site plans shall include a storm water management plan for the entire site being considered for development. The storm water plan shall be designed, constructed and maintained so as to prevent flooding, minimize stream and river impacts, protect water quality and achieve the purposes of this policy as set forth in Section 3 above. The design of the storm water management plan may:

- Comply with generally accepted local requirements; or,
 - Use LEED designs so that LID development is incorporated into the plan; or
 - Use a combination of both A and B.

- B. Copies of the storm water management plan shall be included with the site plan application submitted to the Charter Township of Monitor for Planning Commission review. The Applicant shall also submit a copy to the Bay County Drain Commissioner for his comments. The applicant will submit copies of final construction plans for storm water BMPs with a letter of transmittal to the Bay County Drain Commissioner for review, as well as to the Charter Township of Monitor at the time the applicant submits the final site plan /subdivision plan review application. Construction or building permits shall not be issued until approval of the construction plans. The construction plans shall be drawn to a scale no smaller than 1" = 50', and on sheets no larger than 24" x 36".

The scales used shall be standard engineering scales and shall be consistent throughout the plans. When plans have been completed with computer aided design technology, locations should be geo-referenced and a copy of the electronic file shall also be provided. The construction plans shall include:

1. Proposed storm water management facilities (plan and profile).
2. Proposed storm drains including rim and invert elevations.
3. Proposed open channel facilities including slope, cross section detail, bottom elevations, and surface material.

4. Final sizing calculations for storm water quality and quantity treatment facilities and storm water conveyance facilities.
 5. Storage provided by one (1) foot elevation increments.
 6. Tributary area map for all storm water management facilities indicating total size and average runoff coefficient for each sub-area.
 7. Analysis of existing soil conditions and groundwater elevation (including submission of soil boring logs) as required for proposed retention and infiltration facilities.
 8. Details of all storm water BMPs including but not limited to:
 - a. Outlet structures.
 - i. Overflow structures and spillways.
 - ii. Riprap.
 - iii. Manufactured treatment system.
 - iv. Underground detention cross section and product details.
 - v. Cross section of infiltration and/or bioretention facilities.
 9. Final landscaping plan and details.
 10. Final easements for storm water management facilities.
 11. Maintenance plan and agreement.
- C. Construction drawings and engineering specifications shall be subject to review and approval by the Bay County Drain Commissioner and the Monitor Township Planning Commission to ensure that the construction plan conforms with the approved Storm water Plan and that adequate storm drainage will be provided and that the proposed storm water management system provides adequately for water quantity and quality management to ensure protection of property owners and watercourses both within the proposed development and downstream.
- D. A construction permit shall not be issued unless the detailed engineering drawings and specifications meet the standards of this Policy, and any applicable requirements of other government agencies.
- E. An as-built certification for storm water BMPs must be provided by the Developer to The Charter Township of Monitor and the Bay County Drain Commissioner upon completion of the project.

The certification should include the following:

A plan view of all detention basins, retention basins, and/or sediment forebays detailing the proposed and final as-built elevation contours. Sufficient spot elevations should be provided on each side of the basin, the bottom of the basin, and along the emergency spillway(s).

Detention basin, retention basin, and/or sediment forebay calculations along with corresponding volumes associated with the as-built elevations. The proposed volume and final as-built volume should be indicated.

Final as-built invert elevations for all inlet pipes and all associated outlet structure elevations, riser pipe hole sizes, and number of holes should be included. Invert elevations of the final outlet pipe to the receiving water and elevation of the final overflow structure should also be provided.

The side slopes of all storm water basins should be identified and must meet minimum safety requirements.

The certification should be signed and sealed by a registered professional engineer or landscape architect verifying that the as-built plans meet the approved design plan.

Roll call vote:

Yes: Brandt, Kowalski, Arnold, Kochany, Malkin, Miller

No: Pike

Absent: None

Motion carried.

The meeting adjourned at 9:20 p.m.

Cindy L. Kowalski, Clerk

Gary A. Brandt, Supervisor